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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,603	11/13/2001	Jonathan S. Goldick	MS171155.1/40062.122US01	8406

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EXAMINER	
VO, LILIAN	

ART UNIT	PAPER NUMBER
2127	

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/992,603	GOLDICK, JONATHAN S.	
	Examiner	Art Unit	
	Lilian Vo	2127	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 November 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 - 26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 - 26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *2/22/02*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1 – 26 are pending.

Claim Objections

2. Claims **8, 9 and 18** are objected to because their formats are improper. They are claiming the computer program product but depending on the method claims. Furthermore, claim 9 depends on claim 5, which depends on claim 4. The Office is not sure whether they are independent claims, which claim the computer program product or the dependent claims of the method claims.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

3. Claims 1 – 7, 10 – 13, 14 – 17 and 19 - 26 are rejected under 35 U.S.C. 101 because they are directed to non-statutory subject matter.

4. Claims 1 – 7, 11 – 13 and 14 - 17 are directed to method steps, which can be practiced mentally in conjunction with pen and paper, therefore they are directed to non-statutory subject matter. Specifically, as claimed, it is uncertain what performs each of the claimed method steps. Moreover, each of the claimed steps, inter alia, receiving, determining, performing, identifying, removing, notifying, can be practiced mentally in conjunctions with pen and paper. The claimed steps do not define a machine or computer implemented process [see MPEP 2106]. Therefore, the claimed invention is directed to non-statutory subject matter. (The examiner suggests

applicant to change "method" to "computer implemented method" in the preamble to overcome the outstanding 35 U.S.C. 101 rejection).

5. **Claim 10** is directed to a stored locked resource, which is non-functional descriptive material. Thus, the claimed invention is directed to non-statutory subject matter and is rejected under 35 U.S.C. 101 as being an abstract idea and is not tangibly embodied in a manner so as to be executable.

6. **Claims 19 - 26** is directed to non-statutory subject matter and is rejected under 35 U.S.C. 101 because it is not tangibly embodied in a manner so as to be executable and the system itself is not including any hardware.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1 – 7, 11 – 13 and 20 – 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. The following terms lack of antecedent basis:

a. "the retry", in **claim 1.**

b. "the lock information", in **claim 2**.

c. "the lock owner", in **claim 3**.

d. "the search strategy", in **claims 5 and 7**.

e. "the time period", in **claim 5**.

f. "the lock property" and "the sharing property", in **claim 6**.

g. "the type of request", in **claim 7.**

h. "the requested", in **claim 11**.

i. "an owing client application program", in **claim 20**.

B. The following claim language is indefinite:

Claim 4 recites the limitation modifies a request strategy based on the returned information. Is this the same request as stated in claim 1 or is it a different request? A clarification is required.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claim 10 is rejected under 35 U.S.C. 102(e) as being anticipated by Vahalia et al. (US 6,389,420, hereinafter Vahalia).

11. Regarding **claim 10**, Vahalia discloses a computer-readable medium having stored thereon a locked resource, wherein the locked resource (col. 5, lines 44 – 61, col. 12, lines 31 - 58) comprises:

a resource object data section for storing actual object data (figs 1 – 2); and

a lock object, wherein the lock object may comprise an expected lifetime property (col. 8, lines 1 – 5, col. 9, lines 13 – 22).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

13. Claims 1, 6 – 8, 11, 12, 14 – 20 and 22 – 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vahalia et al. (US 6,389,420, hereinafter Vahalia).

14. Regarding **claim 1**, Vahalia discloses a method of managing a locked resource in a distributed environment, the method comprising:

receiving a request to access the resource, wherein the request originates from a requesting client computer system (fig. 8: 81);

determining whether the resource has a conflicting lock (fig. 8: 86);

if the resource has a conflicting lock, returning lock information to the requesting client computer system (fig. 8: 86, 90 and 91), so that the retry strategy of the requesting client computer may be modified;

if the resource does not have a conflicting lock, performing the requested access (fig. 8: 87).

Vahalia discloses if there is an existing incompatible lock, then the file manager puts the client on a wait list for the file to be accesses and returns a lock denied message to the client (col. 11, lines 17 – 22). It would have been obvious for one of an ordinary skill in the art, at the time the invention was made, to recognize that the requesting client might modify the retry strategy after being informed of the conflicted lock to ensure the necessary resource can be accessed as soon as they are available.

15. Regarding **claim 6**, Vahalia discloses the lock property relates to the sharing property values of the lock (col. 8, lines 47 – 66, col. 10, lines 59 – 62, col. 16, lines 45 – 55).

16. Regarding **claim 7**, Vahalia discloses the search strategy relates to the type of the request (col. 8, lines 47 – 66, col. 9, lines 19 – 23, col. 16, lines 45 – 65)

17. **Claims 8 and 11** are rejected on the same ground as stated in claim 1 above.

18. Regarding **claim 12**, Vahalia discloses the request for access to the resource further comprises a request to block the resource (col. 10, line 56 – col. 11, line 2, col. 16, lines 45 – 55)).

19. Regarding **claim 14**, Vahalia discloses a method of unlocking a locked resource in a distributed environment, the locked resource having a lock object associated with a lock owner, the method comprising:

receiving a request to access the locked resource, wherein the request originates from a requesting client computer system other than the lock owner and wherein the request comprises a request to break the lock object (fig. 2, fig. 8: 81, 84, 85, 86);

determining whether the requesting client computer system is cleared to break the lock object (fig. 2, fig. 8: 85, 86, 93, col. 11, lines 43 - 65); and

removing the lock object from the resource if the requesting client computer system is cleared to break the lock object (fig. 2, fig. 9, 104, col. 16, line 66 – col. 17, line 14).

With respect to the step of identifying the request to break the lock object, Vahalia discloses the request to access a resource specifies the file to be opened for the client and the specified file identifier is used as a search key in the directory in order to determined whether or not the locking information includes one or more current locks upon the file (col. 9, lines 12 – 23). In other words, the resources that are being requested for accessing can be the resources that are being in used by others. Thus, implying that a release of the locked resource is required before the accessing request can be fulfilled. Therefore, it is obvious to conclude that the request to access the locked resource implying the request to break to the lock object.

20. Regarding **claim 15**, Vahalia discloses the step of notifying the lock owner that the lock object of the request to break the lock before removing the lock object (fig. 7, col. 10, lines 3 – 40).

21. Regarding **claim 16**, Vahalia discloses the lock object is not removed for a predetermined time following notifying the lock owner of the request of the request to break the lock (figs. 7 - 8: 85, 92, 93, 87, 88 and 89. Col. 10, lines 17 – 40, col. 11, lines 23 – 42: request the lock extension).

22. Regarding **claim 17**, Vahalia discloses the lock object has a timeout property value and the timeout property value is modified to effectively remove the lock object (fig. 3, col. 8, lines 1 – 7)

23. **Claims 18, 19** are rejected on the same ground as stated in claims 14 and 1 above.

24. Regarding **claim 20**, Vahalia discloses an owning client application program owns a lock object for the requested resource; and the owning client application program determines the expected lifetime of the lock object (col. 8, lines 1 – 5, col. 9, lines 28 – 33, col. 10, lines 36 – 40).

25. **Claims 22, 23** are rejected on the same ground as stated in claims 1 and 12 above.

26. Regarding **claim 24**, Vahalia discloses the receive module is adapted to receive a request to break an existing lock object (fig. 2, fig. 8: 81, 84, 85, 86 and fig. 9).

With respect to the concept of the request to break the lock object, Vahalia discloses the request to access a resource specifies the file to be opened for the client and the specified file

identifier is used as a search key in the directory in order to determined whether or not the locking information includes one or more current locks upon the file (col. 9, lines 12 – 23). In other words, the resources that are being requested for accessing can be the resources that are being in used by others. Thus, implying that a release of the locked resource is required before the accessing request can be fulfilled. Therefore, it is obvious to conclude that the request to access the locked resource implying the request to break to the lock object.

27. **Claim 25** is rejected on the same ground as stated in claim 24 above.

28. Regarding **claim 26**, Vahalia discloses a system further comprising a determination module that determines whether the requesting client application program is suitably authorized and wherein the existing lock object is not removed in response to the request to break the lock object unless the requesting client application program is suitably authorized (fig. 8: 85, 92, 93. Col. 11, lines 22 – 42).

29. Claims 2 – 5, 9, 13 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vahalia et al. (US 6,389,420) in view of Applicant's admitted prior art (hereinafter AAPA).

30. Regarding **claim 2**, Vahalia did not clearly disclose the lock information is related to the expected lifetime of the lock. Nevertheless, AAPA discloses that "lock discovery" provides the expected lifetime of the lock (specification page 3, line 20 – col.4, line 4). It would have been obvious for one of an ordinary skill in the art, at the time the invention was made, to incorporate

AAPA's teaching to Vahalia so that resource can be utilized more affectively as they become available.

31. Regarding **claim 3**, as modified Vahalia discloses lock owner sets the expected lifetime of the lock (Vahalia: col. 8, lines 1 – 5, col. 9, lines 28 – 33, col. 10, lines 36 – 40).

32. Regarding **claim 4**, as modified Vahalia discloses the requesting client computer system modifies a request strategy based on the returned information (AAPA: specification page 3, line 20 – col. 4, line 4).

33. Regarding **claim 5**, as modified Vahalia discloses the search strategy relates to the time period between requests for the resource (AAPA: specification page 3, lines 9 – 10, line 20 – col. 4, line 4).

34. **Claim 9** is rejected on the same ground as stated in claim 5 above.

35. Regarding **claim 13**, as modified Vahalia discloses the request to block the resource is a predetermined header having a time value for defining a time period to block the resource (AAPA: specification page 2, lines 7 – 15, page 3, line 20 – page 4, line 4).

36. **Claim 21** are rejected on the same ground as stated in claim 4 above.

Conclusion

37. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lilian Vo whose telephone number is 571-272-3774. The examiner can normally be reached on Monday - Thursday, 7:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lilian Vo
Examiner
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January 31, 2005

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